UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,771	02/05/2002	Charles Eldering	T742-10	7576

27832   7590   06/19/2003

EXPANSE NETWORKS, INC.
6206 KELLERS CHURCH ROAD
PIPERSVILLE, PA 18947

EXAMINER
HUYNH, SON P

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	10/068,771	ELDERING ET AL.
	Examiner	Art Unit
	Son P Huynh	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-107* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-107* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance

with 37 CFR 1.67(a) identifying this application by application number and filing date is

required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: non-dated signatures have been made to

the oath or declaration;

Priority

2.   The application fails to claim priority under 35 U.S.C. 119(e) for provisional

application number 60/???,???, because it does not identify.

3.

Specification

4.   The disclosure is objected to because of the following informalities: the

provisional application number, page 1, line 2, is missing. Appropriate correction is

required.

5.   Applicant has listed 46 "related" applications at pages 1-5 of the specification.

There is no statement or discussion regarding the relevance of numerous documents

listed. Therefore, they have not been considered.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claims 33-44, 78-87 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Regarding claims 33 and 78, the term "the method comprising" in line 2 should be

replaced as- the system comprising-

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-73, 78-89 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hendricks et al. (US 6,463,585), and in view of Labeeb et al. (US 2003/0093792).

Regarding claim 1, Hendricks discloses a method for delivery targeted advertisements

to a subscriber with video that the subscriber selected to receive from a television

delivery system. The operation center receives analog and digital program signals and

processes the signals to produce digital compressed program signals that are then

delivered to head end and television terminal. The operation center and the headend

receives demographic of viewers and terminal information such as ID, configurations;

watched program information such as what programs a viewer purchased and when it

was purchased, what channel a specific viewer watched and for how long, which of the

multiple channels the set top terminal 220 tuned to during a program break (see col. 20,

line 20+); the demographics; terminal information and watched program information are

stored as user profile. The users are grouped based on the user information collected

from the terminals (see col. 31, line 1+). When user selects a specific program from the

menu, the operation center and the head end determines the available advertisements

target to the user according to user's profile and provide the targeted advertisements to

the terminal for use during program breaks (see col. 26, line 15+, col. 35, line 1+).

Inherently, the method comprising:

selecting the video;

determining available advertisement opportunities in the selected video;

receiving advertisement profiles, wherein the advertisement profile define traits for an

associated advertisement;

selecting at least a subset of the targeted advertisements from the available

advertisements based on the searching; and delivering the selected video and the

targeted advertisements to the subscriber. However, Hendricks does not specifically

discloses the advertisement profile define traits for an intended target market of the

associated advertisement, wherein the intended target market traits include presence or

absence of specific transactions;

searching associated subscriber transaction data for the presence or absence of the

specific transactions defined in the intended target market traits;

Labeeb teaches the advertisement profile define traits for an intended target market

(viewer's demographic profile developed by the preference agent based on viewing

selections of viewers), wherein the intended target market traits include presence or

absence of specific transactions, and searching associated subscriber transaction data

for the presence or absence of the specific transactions defined in the intended target

market traits (see paragraph 0233, line 6+). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Hendricks to

incorporate the feature as taught by Labeeb in order to improve accuracy when target

advertisements to user.

Regarding claim 2, Hendricks in view of Labeeb teaches a method as discussed in the

rejection of claim 1. Labeeb also discloses the demographic profile created for each

viewer is stored in the demographic database 31, which resides in the control system 2

and thus ensures the viewer privacy (see paragraph 0234, line 4+ and par. 0244, line

1+). Necessarily, the specific transactions are kept confidential in order to improve

security.

Regarding claim 3, Hendricks teaches the specific transaction are purchase

transactions (see col. 21, line 8+).

Regarding claim 4, Hendricks in view of Labeeb teaches a method as discussed in the

rejection of claim 3. Labeeb further teaches the purchase transactions are maintained

external to the video on demand system (system administration 27- see par. 0244, line

1+ and figure 43).

Regarding claim 5, Hendricks in view of Labeeb teaches a method as discussed in the

rejection of claim 4, Further, Labeeb teaches the searching is performed external to the

video on demand system (see paragraph 235+ and figure 43).

Regarding claim 6, Hendricks teaches the purchase transactions are related to at least

some subset of product type, products, brands, size, price, quantity, and time (see col.

20, line 20+).

Regarding claim 7, Hendricks teaches the specific transaction are viewing transactions
(see col. 20, line 20+).

Regarding claim 8, Hendricks teaches the viewing transactions are maintained within a
device located at a subscriber location (see col. 16, line 3+ and 63, line 53+).

Regarding claim 9, Hendricks in view of Labeeb teaches a method as discussed in the
rejection of claim 8, Labeeb further teaches the searching is performed in the device
(see figure 43).

Regarding claim 10, Hendricks teaches the viewing transaction are related to at least
some subset of channel, network, program, genre, viewing duration, channel change
frequency, and volume level (see col. 20, line 20+, col. 34, line 50+).

Regarding claim 11, Labeeb teaches the searching is performed by a secure third party
(see figure 43).

Regarding claim 12, Labeeb teaches the associated subscriber transaction data is
stored in a single database 116 (see figure 43)

Regarding claim 13, Hendricks teaches the associated subscriber transaction data is

stored in multiple distributed databases (see col. 40, line 57).

Regarding claim 14, Labeeb teaches the intended target market traits include

transaction characteristics (see paragraph 0233+).

Regarding claim 15, Hendricks in view of Labeeb teaches a method as discussed in the

rejection of claim 14. Hendricks further teaches the transaction characteristics are

purchasing characteristics (see col. 34, line 45+ and col. 64, line 6+).

Regarding claim 16, Hendricks teaches the purchasing characteristics defined

characteristics related to at least some subset of product type, products, brands, size,

price, quantity, and time (see col. 20, line 20+, col. 34, line 45+).

Regarding claim 17, Hendricks teaches the transaction characteristics are viewing

characteristics (see col. 20, line 20+, col. 34, line 45+).

Regarding claim 18, Hendricks teaches the viewing characteristics defined

characteristics related to at least some subset of channel, program, genre, viewing

duration, channel change frequency, and volume level (see col. 20, line 20+, col. 34,

line 45+).

Regarding claim 19, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 14. Labeeb further teaches comparing transaction characteristics of the intended target market with transaction characteristics of the subscriber (see paragraph 0244, line 13+).

Regarding claim 20, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 19, Labeeb further teaches selecting at least a subset of the targeted advertisements from the available advertisements based on the comparing (see paragraph 0235+).

Regarding claim 21, Labeeb teaches selecting the at least a subset of the targeted advertisements from the available advertisements based on the comparing and some combination of household demographics, the selected video, and previous video selections (see paragraph 0233, line 6+).

Regarding claim 22, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 19, Labeeb further teaches selecting the at least a subset of the targeted advertisements based on the searching and the comparing (see paragraph 0233+).

Regarding claim 23, Hendricks in view of Labeeb teaches the method as discussed in the rejection of claim 22. Labeeb further teaches selecting the at least a subset of the

targeted advertisements from the available advertisements based on the selecting, the comparing and some combination of household demographics, the selected video, and previous video selections (see paragraph 0233+)

Regarding claim 24, Hendricks in view of Labeeb teaches the method as discussed in the rejection of claim 1. Hendricks further teaches selecting the at least a subset of the targeted advertisements from the available advertisements based on the selecting and some combination of household demographics, the selected video, and previous video selections (see 58, line 8+).

Regarding claim 25, Hendricks in view of Labeeb teaches the method as discussed in the rejection of claim 1. Hendricks further teaches selecting the at least a subset of the targeted advertisements from the available advertisements based household demographics, the selected video, and previous video selections or some combination thereof (see 58, line 8+).

Regarding claim 26, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 1. Labeeb further discloses the advertisement traits includes parameters defining limits on presentation of the associated advertisement to the subscriber (see paragraph 0236 line 1+), and further comprising:
monitoring advertisements presented to the subscriber;

confirming that the selected targeted advertisements are within the limits defined in the advertisement traits based on the monitoring (see paragraph 0236+).

Regarding claim 27, Hendricks teaches the available advertisement opportunities may be prior to, during, within or after the video (see col. 34, line 60+).

Regarding claim 28, Hendricks teaches the targeted advertisements can be broadcast to individual set top terminal 220, and stored within the memory 327 of the set top terminal (see col. 34, line 62+). It would have been obvious that delivering the targeted advertisement prepended to the video if the advertisement opportunities are prior to the video in order to play targeted advertisement while the retrieving the video thereby increase efficiency for the system.

Regarding claim 29, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 27. It is obvious to one of ordinary skill in the art to deliver the targeted advertisements postpended to the video if the advertisement opportunities are after the video in order to provide the latest version of targeted advertisement to viewer.

Regarding claim 30, Hendricks discloses local insertion component 246 of the signal processor 209 allows the control CPU 244 to execute the instructions received from the network controller 214 and insert any local programming and advertisement, the modified signals then transmitted to set top terminals (see col. 61, line 35+). Thus, the

delivering includes delivering the targeted advertisements between different segments of the video if the advertisement opportunities are during the video.

Regarding claim 31, Hendricks teaches the delivering includes delivering the targeted advertisements as part of the video if the advertisements opportunities are within the video (see col. 61, line 35+).

Regarding claim 32, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 31. Labeeb further teaches the advertisement opportunities within the video include at least some subset of bugs, product placements, overlays, and banners (see paragraph 2855, line 1+).

Regarding claim 33, the limitations of the system correspond to the limitations of the method as discussed in the rejection of claim 1 and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 34, Hendricks teaches the user interface is an EPG (menu- see figure 17).

Regarding claim 35, Hendricks in view of Labeeb teaches a system as discussed in the rejection of claim 33. Labeeb further teaches the subscriber transaction data is

maintained by a third party and the means for searching is an interface to the third party (see figure 43 and par. 0235, line 1+, par. 0244, line 1+).

Regarding claims 36-37, the limitations of the system corresponds to the limitations of the method as discussed in the rejection of claims 8-9 and are analyzed as discussed with respect to the rejection of claims 8-9.

Regarding claim 38, Hendricks in view of Labeeb teaches a system as discussed in the rejection of claim 37. Hendricks further teaches the means for selecting is located within the device (see figure 1).

Regarding claims 39-42, the limitations of the system corresponds to the limitations of the method as discussed in the rejection of claims 12-13, 19-20 and are analyzed as discussed with respect to the rejection of claims 12-13,19-20.

Regarding claim 43, Hendricks in view of Labeeb teaches a system as discussed in the rejection of claim 41. Labeeb further teaches means for generating the viewing characteristic (viewing profile) of the subscriber (see par. 0233, line 6+).

Regarding claim 44, Hendricks in view of Labeeb teaches a system as discussed int he rejection of claim 43. Labeeb further teaches means for generating includes means for monitoring subscriber viewing interactions (see par. 0233, line 6+);

storage for storing a plurality of subscriber signatures (viewer profile), wherein the

subscriber signatures identify traits about the subscriber including viewing

characteristics and each subscriber signature is associated with unique subscriber traits

(see figure 43 and par. 0233, line 6+);

means for comparing the subscriber viewing interactions with the subscriber signatures;

and means for associating the subscriber with the subscriber signature responsive to

the means for comparing (see par. 0244, line 8+).

Regarding claim 45, the claim is directed toward embody the method of claim 1 in

"computer readable medium". It would have been obvious to embody the procedures of

Hendricks discussed with respect to claim 1 in a "computer readable medium" in order

that the instructions could be automatically performed by a processor.

Regarding claims 46-47,49 the limitations of the computer program as claimed

corresponds to the limitations of the method as discussed in the rejection of claims 19-

20, 26 and are analyzed as discussed with respect to the rejection of claims 19-20, 26.

Regarding claim 48, Hendricks teaches generating the subscriber viewing

characteristics as discussed in claim 43. It would have been obvious to include a source

code segment in order that a processor could perform the instruction automatically.

Regarding claim 50, Hendricks discloses a method for delivery targeted advertisements

to a subscriber with video that the subscriber selected to receive from a television

delivery system. The operation center receives analog and digital program signals and

processes the signals to produce digital compressed program signals that are then

delivered to head end and television terminal. The operation center and the headend

receives demographic of viewers and terminal information such as ID, configurations;

watched program information such as what programs a viewer purchased and when it

was purchased, what channel a specific viewer watched and for how long, which of the

multiple channels the set top terminal 220 tuned to during a program break (see col. 20,

line 20+); the demographics; terminal information and watched program information are

stored as user profile. The users are grouped based on the user information collected

from the terminals (see col. 31, line 1+). When user selects a specific program from the

menu, the operation center and the head end determines the available advertisements

target to the user according to user's profile and provide the targeted advertisements to

the terminal for use during program breaks (see col. 26, line 15+, col. 35, line 1+). A

simulated profile can be generated by analyzing access history and viewing habits.

Using test information generated from a statistically significant number of viewers, the

simulated profile algorithm estimates the viewer's age, education, sex and other

relevant information. The analysis requires reviewing the viewer's programs watched

and statistically comparing the viewer's program watched with the test group (see col.

66, line 16+). In addition, Hendricks discloses the information of the selected programs

and advertisements are stored at the set top terminal and then polled by the network

controller, the programs watched information is then used to update user's profile (see

col. 66, line 16+). Inherently, the method comprising:

selecting the video;

determining available advertisement opportunities in the video;

receiving advertisement profiles, wherein the advertisement profile define traits for an

associated advertisement;

determining the advertisements available for delivery with the video by comparing the

advertisement traits and the available advertisements opportunities;

monitoring subscriber viewing interactions;

comparing the subscriber viewing interactions to a plurality of subscriber signatures,

wherein the subscriber signature identify traits about the subscriber including viewing

characteristics and each subscriber signature is associated with unique subscriber

traits;

associating the subscriber with a subscriber signature based on the comparing the

subscriber viewing interactions to a plurality of subscriber signatures;

and delivering the selected video and the targeted advertisements to the subscriber.

However, Hendricks does not specifically discloses the advertisement profile define

traits for an intended target market of the associated advertisement, wherein the

intended target market traits include presence or absence of specific transactions;

comparing the intended target market traits to the selected subscriber signature;

selecting at least a subset of the targeted advertisements from the available

advertisements based on the comparing the intended target market traits to the selected

subscriber signature;

Labeeb teaches the advertisement profile define traits for an intended target market

(viewer's demographic profile developed by the preference agent based on viewing

selections of viewers), wherein the intended target market traits include presence or

absence of specific transactions; comparing the intended target market traits to the

selected subscriber signature (compare actual demographic data with the demographic

profile developed by the preference agent- see par. 0244, line 14+);

selecting at least a subset of the targeted advertisements from the available

advertisements based on the comparing the intended target market traits to the selected

subscriber signature; (see paragraph 0233, line 6+). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

Hendricks to incorporate the feature as taught by Labeeb in order to improve accuracy

when target advertisements to user.

Regarding claim 51, the limitations as claimed correspond to the limitations as claimed

in claim 18 and are analyzed as discussed in the rejection of claim 18.

Regarding claim 52, Labeeb teaches the viewing characteristics are broken out by day

or day part (see par. 0076, line 9+).

Regarding claim 53, Hendricks teaches the subscriber signature includes demographic

traits for the subscriber (see col. 66, line 16+).

Regarding claim 54, Hendricks teaches the monitoring, the comparing the subscriber

viewing interactions to a plurality of subscriber signatures, and the associating are

performed within a device located at a subscriber location (see col. 66, line 16+).

Regarding claim 55, the device is a set top box (see figure 1).

Regarding claim 56, Hendricks in view of Labeeb teaches a method as discussed in the

rejection of claim 54. Labeeb further teaches the comparing the intended target market

traits to the selected subscriber signature and the selecting are performed within a

device located at a subscriber station (see figure 43).

Regarding claim 57, Hendricks teaches the subscriber signatures are stored within a

device located at a subscriber location (see col. 66, lines 37-50).

Regarding claim 58, Hendricks teaches characterizing subscriber viewing interactions

for each viewing session and clustering sessions having similar characteristics together

(see col. 35, line 4+).

Regarding claim 59, Hendricks teaches the generating is performed within a device located at a subscriber location (see col. 66, line 16+).

Regarding claim 60, Labeeb teaches the intended target markets traits include presence or absence of specific transaction (see par. 0076, line 1+).

Regarding claim 61, Hendricks teaches the specific transaction are purchase transactions (see col. 21, line 8+).

Regarding claim 62, Hendricks teaches the purchase transactions are related to at least some subset of product type, products, brands, size, price, quantity, and time (see col. 20, line 20+).

Regarding claim 63, Hendricks teaches the specific transaction are viewing transactions (see col. 20, line 20+).

Regarding claim 64, Hendricks teaches the viewing transaction are related to at least some subset of channel, network, program, genre, viewing duration, channel change frequency, and volume level (see col. 20, line 20+, col. 34, line 50+).

Regarding claim 65, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 60. Labeeb further teaches searching associated subscriber

transaction data for the presence or absence of the specific transaction defined in the intended target market trait (see par. 0076, line 1+).

Regarding claim 66, Labeeb teaches selecting at least a subset of the targeted advertisements from the available advertisements based on the searching (see par. 0239, line 3+).

Regarding claim 67, Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 66. Labeeb further teaches selecting the at least a subset of the targeted advertisements from the available advertisements based on the searching includes selecting the at least a subset of the targeted advertisements from the available advertisements based on the searching and some combination of household demographics, the selected video, and previous video selections (see par. 0233, line 6+ and par. 0239, line 3+).

Regarding claim 68, Hendricks in view of Labeeb teaches the method as discussed in the rejection of claim 65. Labeeb further teaches selecting the at least a subset of the targeted advertisements based on the comparing the intended target market traits to the selected subscriber signature includes selecting the at least a subset of the targeted advertisements based on the searching and the comparing the intended target market traits to the selected subscriber signature (see par. 0239, line 3+ and par. 0244, line 14+).

Regarding claim 69, Hendricks in view of Labeeb teaches the method as discussed in

the rejection of claim 68. Labeeb further teaches selecting the at least a subset of the

targeted advertisements from the available advertisements based on the searching and

the comparing the intended target market traits to the selected subscriber signature

includes selecting the at least a subset of the targeted advertisements from the

available advertisement based on the selecting, the comparing the intended market

traits to the selected subscriber signature, and some combination of household

demographics, the selected video, and previous video selections (see par. 0233, line

6+).

Regarding claim 70, Hendricks in view of Labeeb teaches the method as discussed in

the rejection of claim 68. Labeeb further teaches selecting the at least a subset of the

targeted advertisements from the available advertisements based on the comparing the

intended target market traits to the selected subscriber signature includes selecting the

at least a subset of the targeted advertisements from the available advertisement based

on the comparing the intended market traits to the selected subscriber signature, and

some combination of household demographics, the selected video, and previous video

selections (see par. 0233, line 6+).

Regarding claim 71, Hendricks in view of Labeeb teaches the method as discussed in

the rejection of claim 50. Hendricks further teaches selecting the at least a subset of the

targeted advertisements from the available advertisements based household

demographics, the selected video, and previous video selections or some combination

thereof (see 58, line 8+).

Regarding claim 72, Hendricks in view of Labeeb teaches a method as discussed in the

rejection of claim 50. In addition, Labeeb teaches the advertisement traits includes

parameters defining limits on presentation of the associated advertisement to the

subscriber (see par. 0236, line 17+), and further comprising:

monitoring advertisements presented to the subscriber;

confirming that the selected targeted advertisements are within the limits defined in the

advertisement traits based on the monitoring (see par. 0233, line 6+ and par. 0236, line

1+).

Regarding claim 73, Hendricks teaches presenting the requested video and targeted

advertisements to the subscriber on a viewing device (see col. 15, line 56+).

Regarding claim 78, the limitations of the system corresponds to the limitations of the

method as discussed in the rejection of claim 50 and are analyzed as discussed with

respect to the rejection of claim 50.

Regarding claims 79-85, the limitations of the system corresponds to the limitations of the method as discussed in the rejection of claims 54-60 and are analyzed as discussed with respect to the rejection of claims 54-60.

Regarding claims 86-87, the limitations of the system corresponds to the limitations of the method as discussed in the rejection of claims 66, 72 and are analyzed as discussed with respect to the rejection of claims 66, 72.

Regarding claim 88, the claim is directed toward embody the method of claim 50 in "computer readable medium". It would have been obvious to embody the procedures of Hendricks discussed with respect to claim 50 in a "computer readable medium" in order that the instructions could be automatically performed by a processor.

Regarding claim 89 the limitations of the computer program as claimed corresponds to the limitations of the method as discussed in the rejection of claim 58 and are analyzed as discussed with respect to the rejection of claim 58.

10.   Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 6,463,585) and in view of Labeeb (US 2003/0093792), and further in view of Hite et al. (US 6,002,393).

Regarding claim 74. Hendricks in view of Labeeb teaches a method as discussed in the rejection of claim 73. However, neither Hendricks nor Labeeb specifically discloses presenting includes not permitting the targeted advertisements to be fast-forwarded or skipped.

Hite discloses a method for preventing the zapping of commercials (see col. 7, lines 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks and Labeeb to incorporate the feature as taught by Hite in order to give more efficiency to advertiser.

11.   Claims 75-77, 90-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 6,463,585) and in view of Labeeb (US 2003/0093792), and further in view of Barton (US 2001/0049820).

Regarding claim 75, Hendricks in view of Labeeb and Hite teaches a method as discussed in the rejection of claim 73. However, none of these references specifically discloses presenting an alternative advertisement when the subscriber fast-forwards or skips the targeted advertisement.

Barton discloses the viewer might hit "play" to watch the advertisement or fast-forward to skip to the next advertisement (see par. 0041, lines 5-8). Thus, the next advertisement reads on the alternative advertisement as claimed. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Hendricks and Labeeb to incorporate the feature as taught by Barton in order

to improve efficiency in advertising by providing various advertisements to user.

Regarding claim 76, Hendricks in view of Labeeb and Barton teaches a method as

discussed in the rejection of claim 75. It would have been obvious to one of ordinary

skill in the art that the alternative advertisement is presented in place of the targeted

advertisement in order to allow user to see alternative advertisement on a

predetermined place on the screen thereby reduce time used by user to scan the entire

screen for the alternative advertisement.

Regarding claim 77, Barton teaches the provide "teaser" at the start and the end of

commercial break. The teaser can be a set of images or logos that indicate a

commercial relating to that advertiser (see par. 0012, lines 1-10). Thus, alternative

advertisement (teaser) is presented in conjunction with the targeted advertisement.

Regarding claim 90, Hendricks discloses a method for delivery targeted advertisements

to a subscriber with video that the subscriber selected to receive from a television

delivery system. The operation center receives analog and digital program signals and

processes the signals to produce digital compressed program signals that are then

delivered to head end and television terminal. The operation center and the headend

receives demographic of viewers and terminal information such as ID, configurations;

watched program information such as what programs a viewer purchased and when it

was purchased, what channel a specific viewer watched and for how long, which of the

multiple channels the set top terminal 220 tuned to during a program break (see col. 20,

line 20+); the demographics; terminal information and watched program information are

stored as user profile. The users are grouped based on the user information collected

from the terminals (see col. 31, line 1+). When user selects a specific program from the

menu, the operation center and the head end determines the available advertisements

target to the user according to user's profile and provide the targeted advertisements to

the terminal for use during program breaks (see col. 26, line 15+, col. 35, line 1+).

Inherently, the method comprising:

selecting the video;

determining available advertisement opportunities in the selected video;

receiving advertisement profiles, wherein the advertisement profile define traits for an

associated advertisement;

and delivering the selected video and the targeted advertisements to the subscriber;

presenting the selected video and targeted advertisement to the subscriber on a viewing

device. However, Hendricks does not specifically discloses the advertisement profile

define traits for an intended target market of the associated advertisement; comparing

the advertisement traits and the available advertisement opportunities; selecting the

targeted advertisement by comparing the intended market traits to some combination of

a subscriber profile that defines traits associated with the subscriber, traits associated

with the selected video, household demographics, or traits associated with the

previously selected videos and presenting an alternative advertisement when the subscriber fast-forwards or skips the targeted advertisement.

Labeeb teaches the advertisement profile define traits for an intended target market (viewer's demographic profile developed by the preference agent based on viewing selections of viewers); comparing the advertisement traits and the available advertisement opportunities; selecting the targeted advertisement by comparing the intended market traits to some combination of a subscriber profile that defines traits associated with the subscriber, traits associated with the selected video, household demographics, or traits associated with the previously selected videos (see paragraph 0233, line 6+, par. 2862, line 1+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hendricks to incorporate the feature as taught by Labeeb in order to improve accuracy when target advertisements to user. However, neither Hendricks not Labeeb explicitly discloses presenting an alternative advertisement when the subscriber fast-forwards or skips the targeted advertisement.

Barton discloses the viewer might hit "play" to watch the advertisement or fast-forward to skip to the next advertisement (see par. 0041, lines 5-8). Thus, the next advertisement reads on the alternative advertisement as claimed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Hendricks and Labeeb to incorporate the feature as taught by Barton in order

to improve efficiency in advertising by providing various advertisements to user.

Regarding claim 91, Hendricks in view of Labeeb and Barton teaches a method as

discussed in the rejection of claim 90. Labeeb further discloses the advertisement traits

includes parameters defining limits on presentation of the associated advertisement to

the subscriber (see paragraph 0236 line 1+), and further comprising:

monitoring advertisements presented to the subscriber;

confirming that the selected targeted advertisements are within the limits defined in the

advertisement traits based on the monitoring (see paragraph 0236+).

Regarding claim 92, Hendricks teaches the available advertisement opportunities may

be prior to, during, within or after the video (see col. 34, line 60+).

Regarding claim 93, Hendricks teaches the targeted advertisements can be broadcast

to individual set top terminal 220, and stored within the memory 327 of the set top

terminal (see col. 34, line 62+). It would have been obvious that delivering the targeted

advertisement prepended to the video if the advertisement opportunities are prior to the

video in order to play targeted advertisement while the retrieving the video thereby

increase efficiency for the system.

Regarding claim 94, Hendricks in view of Labeeb and Barton teaches a method as discussed in the rejection of claim 92. It is obvious to one of ordinary skill in the art to deliver the targeted advertisement postpended to the video if the advertisement opportunities are after the video in order to provide the latest version of targeted advertisement to viewer.

Regarding claim 95, Hendricks discloses local insertion component 246 of the signal processor 209 allows the control CPU 244 to execute the instructions received from the network controller 214 and insert any local programming and advertisement, the modified signals then transmitted to set top terminals (see col. 61, line 35+). Thus, the delivering includes delivering the targeted advertisements between different segments of the video if the advertisement opportunities are during the video.

Regarding claim 96, Hendricks teaches the delivering includes delivering the targeted advertisements as part of the video if the advertisements opportunities are within the video (see col. 61, line 35+).

Regarding claim 97, Hendricks in view of Labeeb and Barton teaches a method as discussed in the rejection of claim 96. Labeeb further teaches the advertisement opportunities within the video include at least some subset of bugs, product placements, overlays, and banners (see paragraph 2855, line 1+).

Regarding claim 98, Hendricks in view of Labeeb and Barton teaches a method as

discussed in the rejection of claim 90. It would have been obvious to one of ordinary

skill in the art that the alternative advertisement is presented in place of the targeted

advertisement in order to allow user to see alternative advertisement on a

predetermined place on the screen thereby reduce time used by user to scan the entire

screen for the alternative advertisement.

Regarding claim 99, Barton teaches the provide "teaser" at the start and the end of

commercial break. The teaser can be a set of images or logos that indicate a

commercial relating to that advertiser (see par. 0012, lines 1-10). Thus, alternative

advertisement (teaser) is presented in conjunction with the targeted advertisement.

Regarding claim 100, Hendricks in view of Labeeb and Barton teaches a method as

discussed in the rejection of claim 90. It would have been obvious to one of ordinary

skill in the art that the alternative advertisement is derived from the targeted

advertisement by application of processing rule in order improve efficiency in

advertising.

Regarding claim 101, Hendricks in view of Labeeb and Barton teaches a method as

discussed in the rejection of claim 90. It would have been obvious to one of ordinary in

the art that the alternative advertisement is a separated advertisement related to the

targeted advertisement in order to give user more interest in watching various advertisements.

Regarding claim 102, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 90 and are analyzed as discussed in the rejection of claim 90.

Regarding claims 103-105, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 98-100 and are analyzed as discussed in the rejection of claims 98-100.

Regarding claims 106-107, the claims are directed toward embody the method of claims 90 and 100 in "computer readable medium". It would have been obvious to embody the procedures of Hendricks in view of Labeeb and Barton discussed with respect to claims 90 and 100 in a "computer readable medium" in order that a processor could automatically perform the instructions.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Montero (US 6,133,912) teaches method of delivering information over a communication network.

Berg et al. (US 6,112,186) teaches distributed system for facilitating exchange of user information and opinion using automated collaborative filtering.

Picco et al. (US 6,029,045) teaches system and method for inserting local content into programming content.

Alexander et al. (US 6,177,931) teaches systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9314 for

regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the customer service office whose telephone number

is 703-306-0377.

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Son P. Huynh
June 12, 2003